



# Opticians Act 1989

## CHAPTER 44

### OPTICIANS ACT 1989

#### PART I

##### THE GENERAL OPTICAL COUNCIL

###### *The Council*

- 1 Constitution and functions of the Council.

###### *The Council's Committees*

- 2 The Education Committee.
- 3 The Companies Committee
- 4 The Investigation Committee
- 5 The Registration Committee
- 5A The Registration Appeals Committee
- 5B The Standards Committee
- 5C The Fitness to Practise Committee
- 5D The Hearings Panel
- 6 General power to appoint committees.
- 6A Powers of delegation

#### PART II

##### REGISTRATION AND TRAINING OF OPTICIANS

###### *The registers and lists*

- 7 Registers of opticians.
- 8 Qualifications for being registered.
- 8ZA Section 8: further provision relating to specified state qualifications
- 8A Registers of students

*Changes to legislation: Opticians Act 1989 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- 8B Visiting opticians from relevant European States: registers
- 8C Visiting optometrists: entitlement to registration
- 8D Visiting dispensing opticians: entitlement to registration
- 9 List of bodies corporate carrying on business as opticians.
- 10 General provisions as to registers and lists.
- 10A Indemnity arrangements for individual registrants and persons applying for their name to be registered
- 11 Publication of registers and proof of registration

#### *Training and Qualifications*

- 11A Requirement for continuing education and training
- 11B Failure to satisfy requirements imposed under a scheme
- 12 Education and training
- 13 Supervision of training establishments and qualifying assessments .

### **PART 2A**

#### FITNESS TO PRACTISE

- 13A The Council's duty to provide guidance on fitness to practise
- 13AA Information to be provided to specified state professionals
- 13B The Council's power to require disclosure of information
- 13C Notification and disclosure by the Council
- 13D Allegations
- 13E Provisions supplementary to section 13D
- 13F Powers of the Fitness to Practise Committee
- 13G Provisions supplementary to section 13F
- 13H Financial penalty order
- 13I Power to order immediate suspension etc. after a finding of impairment of fitness to practise
- 13J Removal from a register on grounds of fraud or error
- 13K Restoration of names to a register
- 13L Interim orders
- 13M Provisions supplementary to section 13L

### **PART III**

#### DISCIPLINARY PROCEEDINGS

- 14 Disciplinary orders.
- 15 Suspension orders.
- 16 Penalty orders.
- 17 Powers of Disciplinary Committee.
- 18 Restoration of names erased as result of disciplinary cases etc.
- 19 Erasure from register and list on grounds of fraud or error.
- 20 Service of notifications.
- 21 Procedure of Disciplinary Committee.
- 22 Assessors to Disciplinary Committee.
- 23 Appeals in disciplinary and other cases.

### **PART 3A**

#### PROCEEDINGS AND APPEALS

- 23A Service of notification

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- 23B Procedure of Fitness to Practise Committee and Registration Appeals Committee
- 23C Powers of the Council to make rules
- 23D Legal advisers
- 23E Other advisers
- 23F Registration appeals
- 23G Appeals from the Registration Appeals Committee and the Fitness to Practise Committee
- 23H Date decision takes effect

#### PART IV

##### RESTRICTIONS ON TESTING OF SIGHT, FITTING OF CONTACT LENSES, SALE AND SUPPLY OF OPTICAL APPLIANCES AND USE OF TITLES AND DESCRIPTIONS

- 24 Testing of sight.
- 25 Fitting of contact lenses.
- 26 Duties to be performed on sight testing.
- 27 Sale and supply of optical appliances.
- 28 Penalty for pretending to be registered etc.
- 29 Provision as to death or bankruptcy of registered optician.
- 30 Offences by bodies corporate.
- 30A Legal proceedings

#### PART V

##### MISCELLANEOUS AND SUPPLEMENTARY

###### *Miscellaneous*

- 31 Miscellaneous matters with respect to which rules may be made.
- 31A Rules
- 32 Expenses and accounts of the Council.
- 32A Annual reports, statistical reports and strategic plans
- 33 Default powers of Privy Council.
- 34 Subordinate legislation procedure.
- 35 Privy Council quorum and documents.

###### *Supplementary*

- 36 Interpretation.
- 37 Consequential amendments and repeals.
- 38 Commencement.
- 39 Short title and extent.

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#### SCHEDULES

##### SCHEDULE 1 — Constitution etc. of Council

###### *Membership etc.*

- 1A Membership: general
- 1B Matters for the order of the Privy Council under section 1(4)
- 1C Registration of members' private interests
  - 1 The Council shall consist of— (a) nine persons nominated by...

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- 2 (1) Subject to sub-paragraph (2) below, any person nominated by...  
.....
- 3 (1) The persons chosen to represent the registrants on the...  
4 Of the persons nominated by the assessing bodies—  
5 The four registered medical practitioners on the Council shall be...  
6 (1) On 1st January 1992, and at the end of...  
7 (1) A member of the Council may at any time,...  
8 (1) The chairman of the Council shall be nominated by...  
9 (1) A person who has been chairman of the Council...

*The registrar*

- 10 The registrar shall be appointed by the Council and shall...

*Powers of Council*

- 11 (1) Subject to the following provisions of this Schedule, the...  
11A (1) In exercising their functions, the Council shall—  
12 Subject to any provision made by or under this Act,...  
12A Rules under section 2(2), 3(2), 4(3), 5(2), 5A(3), 5B(2) and...  
12B Rules under sections 2 to 5D may make provision for...

*Power of Privy Council to alter membership of Council etc.*

- 13 (1) Subject to sub-paragraph (2) below, the Privy Council may...

SCHEDULE 1A — REGISTRATION APPEALS

- 1 Interpretation  
2 Appealable registration decisions  
3 Notice of appealable registration decisions  
4 Appeals from an appealable registration decision  
5 Extension of time for appealing

SCHEDULE 2 — Repeals

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 3(1) words substituted by [2008 c. 14 Sch. 7 para. 25](#)
- s. 4(2) word substituted by [2008 c. 14 Sch. 7 para. 26](#)
- s. 5A(1) words substituted by [2008 c. 14 Sch. 7 para. 27](#)
- s. 5C repealed by [2008 c. 14 Sch. 7 para. 28](#)[Sch. 15 Pt. 2](#)
- s. 5D(1) words repealed by [2008 c. 14 Sch. 7 para. 29](#)[Sch. 15 Pt. 2](#)
- s. 13D words substituted by [2009 c. 26 s. 81\(2\)](#)[s. 81\(3\)\(d\)](#) (This amendment not applied to legislation.gov.uk. The words to be substituted are words inserted by S.I. 2008/1774, Sch. 2 para. 2. That insertion was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 13D(2)(f) word omitted by [S.I. 2008/1774 Sch. 2 para. 2](#) (This amendment not applied to legislation.gov.uk. It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 13D(2)(g) words inserted by [2008 c. 14 Sch. 7 para. 31\(2\)](#)
- s. 13D(3)(g) words inserted by [2008 c. 14 Sch. 7 para. 31\(3\)](#)
- s. 13D(5) word substituted by [2008 c. 14 Sch. 7 para. 31\(4\)](#)
- s. 13D(6) word substituted by [2008 c. 14 Sch. 7 para. 31\(5\)](#)
- s. 13D(7) word substituted by [2008 c. 14 Sch. 7 para. 31\(6\)](#)
- s. 13D(8) word substituted by [2008 c. 14 Sch. 7 para. 31\(6\)](#)
- s. 13D(9) word substituted by [2008 c. 14 Sch. 7 para. 31\(7\)\(a\)](#)
- s. 13D(9)(b) words substituted by [2008 c. 14 Sch. 7 para. 31\(7\)\(b\)](#)
- s. 13F heading word substituted by [2008 c. 14 Sch. 7 para. 32\(2\)](#)
- s. 13F(1) word substituted by [2008 c. 14 Sch. 7 para. 32\(3\)](#)
- s. 13F(2) words substituted by [2008 c. 14 Sch. 7 para. 32\(4\)\(a\)](#)
- s. 13F(2) words substituted by [2008 c. 14 Sch. 7 para. 32\(4\)\(b\)](#)
- s. 13F(3)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(5\)\(a\)](#)
- s. 13F(3)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(5\)\(b\)](#)
- s. 13F(4) words substituted by [2008 c. 14 Sch. 7 para. 32\(6\)\(a\)](#)
- s. 13F(4) words substituted by [2008 c. 14 Sch. 7 para. 32\(6\)\(b\)](#)
- s. 13F(4)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(6\)\(c\)\(i\)](#)
- s. 13F(4)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(6\)\(c\)\(ii\)](#)
- s. 13F(5) words substituted by [2008 c. 14 Sch. 7 para. 32\(7\)\(a\)](#)
- s. 13F(5) words substituted by [2008 c. 14 Sch. 7 para. 32\(7\)\(b\)](#)
- s. 13F(6) words substituted by [2008 c. 14 Sch. 7 para. 32\(8\)](#)
- s. 13F(7) words substituted by [2008 c. 14 Sch. 7 para. 32\(9\)\(a\)](#)
- s. 13F(7) words substituted by [2008 c. 14 Sch. 7 para. 32\(9\)\(c\)](#)
- s. 13F(7)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(9\)\(b\)\(i\)](#)
- s. 13F(7)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(9\)\(b\)\(ii\)](#)
- s. 13F(8) words substituted by [2008 c. 14 Sch. 7 para. 32\(10\)\(b\)](#)
- s. 13F(8)(a) words substituted by [2008 c. 14 Sch. 7 para. 32\(10\)\(a\)](#)
- s. 13F(10) words substituted by [2008 c. 14 Sch. 7 para. 32\(11\)\(a\)](#)
- s. 13F(10) words substituted by [2008 c. 14 Sch. 7 para. 32\(11\)\(b\)](#)
- s. 13F(10)(a) words substituted by [2008 c. 14 Sch. 7 para. 32\(11\)\(c\)](#)
- s. 13F(11) word substituted by [2008 c. 14 Sch. 7 para. 32\(12\)\(a\)](#)
- s. 13F(11)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(12\)\(b\)\(i\)](#)
- s. 13F(11)(c) words substituted by [2008 c. 14 Sch. 7 para. 32\(12\)\(b\)\(ii\)](#)
- s. 13F(13) words substituted by [2008 c. 14 Sch. 7 para. 32\(13\)\(a\)](#)

- s. 13F(13) words substituted by 2008 c. 14 Sch. 7 para. 32(13)(b)
- s. 13G(1) word substituted by 2008 c. 14 Sch. 7 para. 33(2)(a)
- s. 13G(1)(a) word substituted by 2008 c. 14 Sch. 7 para. 33(2)(b)
- s. 13G(1)(b) word substituted by 2008 c. 14 Sch. 7 para. 33(2)(c)
- s. 13G(6) word substituted by 2008 c. 14 Sch. 7 para. 33(3)
- s. 13H words substituted by 2008 c. 14 Sch. 7 para. 34(a)
- s. 13H words substituted by 2008 c. 14 Sch. 7 para. 34(b)
- s. 13I(1) word substituted by 2008 c. 14 Sch. 7 para. 35(2)
- s. 13I(2) word substituted by 2008 c. 14 Sch. 7 para. 35(2)
- s. 13I(4) words substituted by 2008 c. 14 Sch. 7 para. 35(3)
- s. 13J(1) word substituted by 2008 c. 14 Sch. 7 para. 36(2)(a)
- s. 13J(1) words substituted by 2008 c. 14 Sch. 7 para. 36(2)(b)
- s. 13J(2) words substituted by 2008 c. 14 Sch. 7 para. 36(3)
- s. 13K(2) word substituted by 2008 c. 14 Sch. 7 para. 37(2)
- s. 13K(3) word substituted by 2008 c. 14 Sch. 7 para. 37(2)
- s. 13K(6) words inserted by 2008 c. 14 Sch. 7 para. 37(3)(c)
- s. 13K(6) words substituted by 2008 c. 14 Sch. 7 para. 37(3)(a)
- s. 13K(6) words substituted by 2008 c. 14 Sch. 7 para. 37(3)(b)
- s. 13K(7) word substituted by 2008 c. 14 Sch. 7 para. 37(4)(a)
- s. 13K(7) word substituted by 2008 c. 14 Sch. 7 para. 37(4)(d)
- s. 13K(7) words substituted by 2008 c. 14 Sch. 7 para. 37(4)(b)
- s. 13K(7) words substituted by 2008 c. 14 Sch. 7 para. 37(4)(c)
- s. 13K(8) word substituted by 2008 c. 14 Sch. 7 para. 37(5)
- s. 13K(9) words substituted by 2008 c. 14 Sch. 7 para. 37(6)
- s. 13K(10) word substituted by 2008 c. 14 Sch. 7 para. 37(7)
- s. 13L(1) words substituted by 2008 c. 14 Sch. 7 para. 38(2)(a)
- s. 13L(1) words substituted by 2008 c. 14 Sch. 7 para. 38(2)(b)
- s. 13L(2)(b) words substituted by 2008 c. 14 Sch. 7 para. 38(3)
- s. 13L(3) words substituted by 2008 c. 14 Sch. 7 para. 38(4)(a)
- s. 13L(3) words substituted by 2008 c. 14 Sch. 7 para. 38(4)(b)
- s. 13L(4) word substituted by 2008 c. 14 Sch. 7 para. 38(5)
- s. 13L(6) word substituted by 2008 c. 14 Sch. 7 para. 38(5)
- s. 13L(9) word substituted by 2008 c. 14 Sch. 7 para. 38(6)
- s. 13L(11) word substituted by 2008 c. 14 Sch. 7 para. 38(7)(a)
- s. 13L(11) words repealed by 2008 c. 14 Sch. 7 para. 38(7)(c)Sch. 15 Pt. 2
- s. 13L(11) words substituted by 2008 c. 14 Sch. 7 para. 38(7)(b)
- s. 23B heading words repealed by 2008 c. 14 Sch. 7 para. 40(2)Sch. 15 Pt. 2
- s. 23B(1)(a) and word repealed by 2008 c. 14 Sch. 7 para. 40(3)Sch. 15 Pt. 2
- s. 23C(1)(a)(i) and word repealed by 2008 c. 14 Sch. 7 para. 41(2)Sch. 15 Pt. 2
- s. 23C(2)(e) repealed by 2008 c. 14 Sch. 7 para. 41(3)Sch. 15 Pt. 2
- s. 23C(2)(f) repealed by 2008 c. 14 Sch. 7 para. 41(3)Sch. 15 Pt. 2
- s. 23D(2)(a) and word repealed by 2008 c. 14 Sch. 7 para. 43Sch. 15 Pt. 2
- s. 23E(3) words repealed by 2008 c. 14 Sch. 7 para. 44Sch. 15 Pt. 2
- s. 23E(4) words repealed by 2008 c. 14 Sch. 7 para. 44Sch. 15 Pt. 2
- s. 23G heading word substituted by 2008 c. 14 Sch. 7 para. 45(2)
- s. 23G(1)(a) word substituted by 2008 c. 14 Sch. 7 para. 45(3)(a)
- s. 23G(1)(b) word substituted by 2008 c. 14 Sch. 7 para. 45(3)(a)
- s. 23G(1)(d) word substituted by 2008 c. 14 Sch. 7 para. 45(3)(b)
- s. 23G(6) word substituted by 2008 c. 14 Sch. 7 para. 45(4)(a)
- s. 23G(6)(b) words substituted by 2008 c. 14 Sch. 7 para. 45(4)(b)
- s. 23G(6)(c) word substituted by 2008 c. 14 Sch. 7 para. 45(4)(c)
- s. 23G(6)(d) word substituted by 2008 c. 14 Sch. 7 para. 45(4)(d)
- s. 29(3) words substituted by 2008 c. 14 Sch. 7 para. 47
- s. 33(3)(b) word inserted by 2008 c. 14 Sch. 7 para. 48
- s. 34(2) words inserted by 2008 c. 14 Sch. 7 para. 49
- s. 36(1) words inserted by 2008 c. 14 Sch. 7 para. 50
- Sch. 1 para. 12 words substituted by 2008 c. 14 Sch. 7 para. 51

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**  
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13D(2)(h)(i) inserted by [S.I. 2008/1774 Sch. 2 para. 2](#) (This amendment not applied to [legislation.gov.uk](#). It was due to come into force on the coming into force of s. 44(1) of the Safeguarding Vulnerable Groups Act 2006 (c. 47), see art. 1(4). S. 44(1) was repealed without ever being in force on 10.9.2012 by 2012 c. 9, s. 75(6), Sch. 10 Pt. 5; S.I. 2012/2234, art. 2)
- s. 13AA inserted by [2008 c. 14 Sch. 7 para. 30](#)
- s. 23I inserted by [2008 c. 14 Sch. 7 para. 46](#)
- s. 23AA inserted by [2008 c. 14 Sch. 7 para. 39](#)
- s. 23CA inserted by [2008 c. 14 Sch. 7 para. 42](#)